

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:17-cr-00070-MR**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>JOSEPH FRANK KORZELIUS,</b>	)	
	)	
<b>Defendant.</b>	)	
<hr/>	)	

**THIS MATTER** is before the Court on the Defendant's letter, which the Court construes as a motion for a modification of his sentence [Doc. 27].

On June 7, 2017, the Defendant pleaded guilty to one count of health care fraud, in violation of 18 U.S.C. § 1347. [Doc. 10]. On November 30, 2017, the Defendant was sentenced to a term of 24 months' imprisonment and three years of supervised release. [Doc. 24]. The Defendant now requests that the Court modify the remainder of his term of imprisonment to "some other form of punishment such as community service or pro bono counseling...." [Doc. 27].

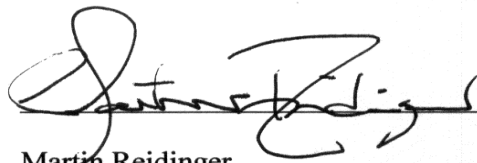
The Court may reduce or modify a defendant's sentence only under limited circumstances. Generally, the Court may reduce or modify a sentence only: (1) upon motion of the Director of the Bureau of Prisons, if

certain extraordinary and compelling reasons so warrant; (2) under the express authority of Rule 35 of the Rules of Criminal Procedure, which provides that the Court may correct a clear error in a sentence within 14 days after sentencing or reduce a sentence upon motion by the Government for the defendant's substantial assistance; or (3) when a defendant is sentenced to a term of imprisonment based upon a sentencing range that was subsequently lowered by the United States Sentencing Commission. See 18 U.S.C. § 3582(c). None of these circumstances are applicable in the present case. Accordingly, the Defendant's motion for a modification of his sentence must be denied.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's letter, which the Court construes as a motion for a modification of his sentence [Doc. 27] is **DENIED**.

**IT IS SO ORDERED.**

Signed: November 6, 2018

  
Martin Reidinger  
United States District Judge

